

RIVERS MANAGEMENT ADVISORY COMMITTEE

Meeting Minutes

January 14, 2005

NHDES, Concord, NH

Rooms 112/113

9:30 am – 12:00 pm

Members Present:

Ben Frost, Office of State Energy and Planning
Deborah Hinman, Conservation Commissions
Bill Ingham, Fish & Game Department
Ken Kimball, RMAC Chair, Recreational Interests
Allan Palmer, Business and Industry Association
Wesley Stinson, Historical & Archaeological Interests
Michele L. Tremblay, RMAC Vice Chair, Conservation Interests
Ted Sutton, Municipal Government

Members Absent:

Bob Beaurivage, Public Water Suppliers
Vacant, Dept of Resources and Economic Development
Vacant, NH Fish & Game Commission
Jamie Robertson, Agricultural Interests
George Lagassa, Granite State Hydropower
Gail McWilliam, Department of Agriculture

Others Present:

William Heinz, Granite State Hydropower Association

DES Staff Present:

Jacquie Colburn, Watershed Mgmt. Bureau
Wayne Ives, Watershed Mgmt. Bureau
Brandon Kernen, Water Supply Engineering Bureau
Lori Sommer, Wetlands Bureau
Gretchen Rule, Legal Unit
Ken Edwardson, Watershed Mgmt. Bureau
Marie LosKamp, Executive Secretary, Watershed Mgmt. Bureau

I. Introductions

- ***RMAC Chair, Ken Kimball, opened the meeting at 9:45 a.m. Introductions were made. Acceptance of meeting minutes was delayed until more voting members arrived. The meeting proceeded with Wayne Ives' presentation.***

10:20 am – 10:25: Acceptance of August 13, 2004 Minutes

- ***A motion was made by Michele L. Tremblay to accept minutes of August 13, 2004 and Ted Sutton seconded. Allan Palmer requested that on Page 3, the fifth line down, change 'mad' to 'made'. The minutes as corrected were unanimously accepted.***

II. 9:45 – 10:20 am: Updates on ISF Studies - Wayne Ives, Watershed Management Bureau

Wayne presented updates on ISF Studies on the Souhegan and Lamprey Rivers (Lamprey approximately 6-9 months behind the Souhegan) and the timelines for the Protected Instream Flow (PISF) Water Management Plans. Questions by committee members were asked and answered during the presentation.

III. 10:25 – 11:45 am: Proposed Surplus Property Disposition (vote required) Jacquie Colburn, Watershed Management Bureau

Jacquie made copies of land disposals that CORD sends over for RMAC review; Ken Edwardson and Ellen D'Amico pulled together the information that the RMAC uses for criteria for land disposals. The information was taken from GIS and OneStop programs.

Ken Kimball, Chair asked Ben Frost (Staff to CORD) to describe these parcels and the recommendation of other state agencies.

- **Committee members requested that soil and frontage information be added to the RMAC checklist. Input from the local conservation commission would be useful if no LAC exists to give the RMAC feedback.**
- a. **SLR 04-022: Little River, Exeter & Brentwood, Pine Road**
 - **Motion made by Allan Palmer to approve the request to sell this property to the town of Exeter, Michele Tremblay seconded the motion and the vote was unanimous.**
- a. **SLR 04-038: Suncook River, Pittsfield, Route 28**
 - **Motion by Allan Palmer and seconded by Ted Sutton to table this request until our next meeting pending NH Fish and Game's decision with NHDOT for property to go to F&G and the vote was unanimous.**
- b. **SLR 04-047: Merrimack River, Hooksett, Hackett Hill Road Extension**
 - **Ted Sutton made a motion that the RMAC does not feel that this right-of-way fits the criteria for properties to be considered by the RMAC as it is more than 250 feet away from a river, Allan Palmer seconded. The committee determined that this request is not within the purview of the RMAC, (4 ayes and 3 nays).**

IV. 11:45 am – 12:00 Noon: Rivers Coordinator Update – NHDES

a. 604(b) Funding to Regional Planning Commissions – Jacquie Colburn

b. Watershed Conference – November 13, 2004 – Jacquie Colburn

Applications have been reviewed. No funding decision has been made and funding has not been passed on to the LACs.

Update on part time Assistant Planner to help on rivers' program. Position was posted in early November. No one answered posting so position was reposted and is out on the states personnel web site as well as nhjobs.com. We still have the position open and have received about 25 applications. The education requirements are very specific and many applicants do not certify. We can review a couple of applicants that didn't certify and we now have two other applicants that have certified.

Michele offered to help with the interview process and Jacquie will check if you have to be a DES employee to conduct interviews. We are hopeful, that as of July 1 the part time assistant planner will graduate to a full time assistant planner.

c. Wetlands In-Lieu Fee Steering Committee – Lori Sommer, Wetlands Bureau 12:00 Noon – 12: 35 pm

In March of 2004 the DES Wetland Mitigation Rules were adopted. The new rules include new definitions as well as setting the stage for a sequence when an applicant is proposing a dredge and fill project. Following the adoption of the rules, a Steering Committee was established to review the opportunity to establish an in-lieu-fee

program. The concept would provide an additional mitigation option in the form of allowing a payment to be made into a fund where the monies are pooled together and go toward wetland creation, restoration or protection of aquatic resources. The last steering committee meeting in December ended with the committee agreeing to move forward with legislation and draft in-lieu-fee rules had been developed.

- **Lori stated that if you want to follow the bill it is SB140. Rep. John Gallus is the prime sponsor.**
- **Lori to send LSR language to committee and equation for streams and rivers, and a different equation for wetlands.**

LSR language:

RSA 482-A:7 II. The department is authorized to accept payment in-lieu of requiring compensatory mitigation providing such payment shall be used to restore and/or create wetlands or to preserve upland areas adjacent to wetlands and provide funds to support the long term administration of the program.

The following factors shall be considered in the calculation of the in-lieu-fee payment amount:

- costs associated with wetland construction;
- the cost of land as calculated by the assessed land values determined by the NH Department of Revenue Administration which are equalized and divided by the number of acres in each town to yield a per acre equalized land value; and
- an administrative cost for operation of the fund.

For a shoreline or stream impact project, the department shall consider a payment amount into the fund based on the amount of shoreline or and stream impact rounded up in increments of linear feet and an administrative cost for operation of the fund.

d. RMAC membership

- i. Bob Beaurivage – Municipal Water Supplier: G&C Confirmed August 18, 2004
- ii. DRED – Letter sent by DES to DRED Ben Haubrich retired about a year ago.
- iii. F&G Commission position is vacant
- iv. NHACC did nominate Deb Hinman, but she has heard nothing.
- v. Wesley Stinson was nominated and approved in December but the RMAC hasn't received a copy of the letter, please forward letter or cc to committee and to Jacquie.

LMAC and RMAC were put on a distribution list by DES for EPA's Performance Partnership PPA stakeholders group. You may receive notice from DES to review and if you have any comments, please bring to our attention.

V. 11:45 – 12:00 pm: Other Business

a. Nomination Rules – Gretchen Hamel, Legal Unit

Gretchen Hamel provided an update regarding the status of the River Nomination Rules.

- Ken thanked Gretchen for her efforts in Steve's absence. If there is anything significant, please let us know. The RMAC wants to adopt the rules as they are because there is no need for drastic change.

b. Legislation: SB87

Ken stated that the SB87 language has been drafted, we supported it as there is a need for the state to move ahead. New England Biosolids Residuals Association (NEBRA) applied directly to DES and that is pending. The SB87 language is out there and we will have a chance to look at the language and talk about it at the next meeting.

- **Michele and Jacquie will coordinate in sending out the SB87 bill text to the RMAC.**

SB162 – SB155 – Brandon Kernen from Water Supply Engineering Bureau

Brandon gave an update on these two bills:

SB155 – From the 2003 session established a groundwater commission. The commission met for two years and reported in November 2004. SB155 issues are specific to groundwater withdrawals. The Commission unanimously supporting proposed bill giving state more authority for water use reporting. Doesn't have any backing in law, JLCAR says we have no authority to adopt these rules. Gives DES authority to meter and inspect facilities with water use.

SB162 – From the 2003 session established a statutory study committee that reports annually. SB 162 looks at public benefits of large commercial withdrawals, ISF - \$100,000 to support plan. No statutory authority to collect data from groundwater. We have no authority to adopt the rules that we have adopted over objection of JLCAR. Legislative Committee says we haven't the authority.

Discussion: If you attach inspection and metering requirements then they may object to the rules. Clear resolution of where water withdrawals are. They stepped up time frame, used to be quarterly now monthly. Report quarterly but on a monthly basis. Do we want to support these bills as a committee? Need more information. Ken recommended that committee track and that after people have had a chance to look into these, at next meeting we can make a decision.

- **Jacquie will ask Pat Gruttemeyer to add the RMAC to Legislative Tracking Notification list.**

VI. Next Meeting Date –

April 1, 2005

- **Michele – offered to help the River's Program for however long it takes if you need temporary support.**
- **Marie to send out notice that next meeting is April 1, 2005, ASAP**

VII. Motion to Adjourn

- **A motion was made by Michele to adjourn, motion was seconded by Deb and the vote was unanimous.**

Adjourned at 12:45 p.m.